

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**MEMORIAL HERMANN HOSPITAL  
SYSTEM  
MHH,  
Plaintiff**

**V.**

**MICHAEL BOUTON, M.D.  
Defendant.**

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**CIVIL ACTION NO 4:10-CV-1161**

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**DEFENDANT'S OBJECTIONS TO NOTICES OF INTENTION TO TAKE  
DEPOSITIONS BY WRITTEN QUESTIONS AND MOTION TO QUASH  
SUBPOENAS OF HELEN ORWIN, SPINX CONSULTING, INC., SANFORD  
NORTH d/b/a MERIT CARE, ORWIN HEALTH CARE INTERNATIONAL,  
INC., FORT SMITH HMA PHYSICIAN MANAGEMENT, LLC, SPARKS  
HEALTH SYSTEM f/k/a HOLT-KROCK CLINIC, ARKANSAS SURGICAL  
GROUP, AND SPARKS HEALTH SYSTEM  
a/k/a ARKANSAS SURGICAL GROUP**

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TO: PLAINTIFF, MEMORIAL HERMANN HOSPITAL SYSTEM, by and through their attorney who issued said Notices, Mr. Michael A. Harvey, MUNSCH HARDT KOPF & HARR, PC, 700 Louisiana Street, Suite 4600, Houston, Texas 77002-2732; and

Continental Court Reporters, Inc., 2777 Allen Parkway, Suite 600, Houston, TX 77019-2166

Defendant, Michael Bouton, M.D. ("Bouton"), files his Objections to Notices of Intention to Take Depositions by Written Questions and Motion to Quash Subpoenas of Helen Orwin, Spinx Consulting, Inc., Sanford North d/b/a Merit Care, Orwin Health Care International, Inc., Fort Smith HMA Physician Management, LLC, Sparks Health System f/k/a Holt-Krock Clinic, Arkansas Surgical Group, and Sparks Health System a/k/a Arkansas Surgical Group (collectively, "Deponents").

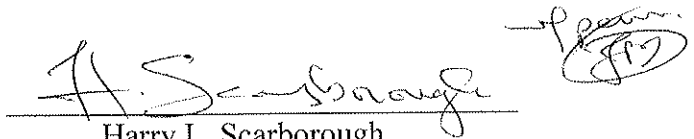
Defendant objects to the above-referenced notices to Deponents concerning certain records pertaining to Defendant, as identified in Exhibit "A" attached to Defendant's Motion to Quash Notices of Intention to take Depositions by Written Questions (on file with the pleadings in this cause). Defendant objects that these notices:

1. Exceed the scope of the Federal Rules of Civil Procedure, Rule 26(b)(1);
2. Are not relevant or reasonably calculated to lead to the discovery of admissible evidence; and,
3. Are an invasion of personal privacy. *Indus. Found. of the S. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 679 (Tex.1976), *cert. denied*, 430 U.S. 931, 97 S.Ct. 1550, 51 L.Ed.2d 774 (1977).

Defendant requests that these objections be set for hearing and that upon consideration, the Court sustain these objections.

Respectfully submitted,

**FAUBUS & SCARBOROUGH LLP**

A handwritten signature in dark ink, appearing to read "H. Scarborough", is written over a horizontal line. To the right of the signature is a circular stamp containing the number "17".

Harry L. Scarborough  
State Bar No. 24027838  
Federal Bar No.27018  
*Attorney-in-Charge*

1010 Lamar, Suite 1020  
Houston, Texas 77002  
(713) 222-6400 - Office  
(713) 222-7240 – Fax

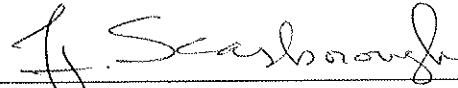
**Counsel for Defendant  
Michael Bouton, M.D.**

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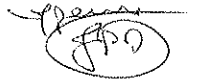
**CERTIFICATE OF CONFERENCE**

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On October 4, 2010, my staff spoke with counsel for Plaintiff, Michael Harvey, to discuss my intent to file the foregoing Objections. No agreement could be reached.



Harry L. Scarborough



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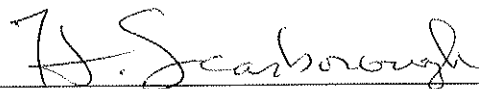
**CERTIFICATE OF SERVICE**

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This certifies that a copy of this document has been served upon the following counsel of record on October 4, 2010, as follows:

*Via ECF and Facsimile (713) 222-<sup>1415</sup>~~5825~~*

Fred Wahrlich, Attorney-in-Charge  
Dwight W. Scott, Jr.  
Michael Harvey  
Munsch Hardt Kopf & Harr, P.C.  
700 Louisiana, Suite 4600  
Houston, Texas 77002



Harry L. Scarborough

